

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
19-CA-262102Date Filed
6/22/2020**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer The Boeing Company	b. Tel. No. (312) 544-2000
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 3003 casino Rd WA Everett 98204-_____	e. Employer Representative
	g. e-Mail
	h. Number of workers employed 70000
i. Type of Establishment (factory, mine, wholesaler, etc.) Aerospace & Defense	j. Identify principal product or service
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)	
--See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) Title:	
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By (b) (6), (b) (7)(C) (signature of representative or person making charge)	Title: (b) (6), (b) (7)(C) (Print/type name and title or office, if any)
(b) (6), (b) (7)(C) Address	Tel. No. (b) (6), (b) (7)(C)
	Office, if any, Cell No. (b) (6), (b) (7)(C)
	Fax No.
	e-Mail (b) (6), (b) (7)(C)
	06/22/2020 22:57:08 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Management directed move to a new shop.	(b) (6), (b) (7) /2020
(b) (6), (b) (7)(C)	Management directed move to a new shop.	(b) (6), (b) (7) 2020

Additional Information in Support of Charge

Charging Party Name : (b) (6), (b) (7)(C)

Inquiry Number : (b) (6), (b) (7)(C)

Date Submitted : 06/22/2020 22:57:08

Please provide a brief description of the specific conduct involved in your charge. The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed. After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

Additional Information Provided:

On (b) (6), (b) (7)(C), 2020 (b) (6), a potential union steward in 777x HBL was moved to a new shop one day before HBL union members were to vote for union steward. On Thursday June 18, 2020 I applied for the same position (b) (6), (b) (7)(C) had originally applied for which was a union steward position in 777x HBL. Today (b) (6), (b) (7)(C)/2020 I received an email stating that I was to report to a new manager in a new shop the following day (b) (6), (b) (7)(C)/2020. Both (b) (6), (b) (7)(C) and myself have been moved after applying for a union steward position, which makes our application invalid. I believe we have been moved because we have applied to be steward. I believe management is taking our right to be represented by removing all potential union stewards from the shop.

Snook, Dennis

From: e-service@nlrb.gov <e-Service@service.nlrb.gov>
Sent: Monday, June 22, 2020 11:07 PM
To: DG-EFileChgPet-SEA19
Subject: FW: Inquiry # (b) (6), (b) (7)(C) Charge - CA

This is to notify you that a new Signed Charge Against Employer, Documentary Evidence Document(s) has been received by your office Region 19, Seattle, Washington for Inquiry # (b) (6), (b) (7)(C) Charge Type : CA.
You can access the document(s) filed by clicking on the link(s) in the Attachments section.

Date Submitted: 6/22/2020 10:57:15 PM (UTC-08:00) Pacific Time (US & Canada)

Dispute/Unit Location: Everett, WA

Regional, Sub-Regional Or Resident Office: Region 19, Seattle, Washington

Employer: The Boeing Company

Charge Type: CA

Inquiry Number: (b) (6), (b) (7)(C)

Filing Party: Charging Party

Name: (b) (6), (b) (7)(C)

Email: (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C)

Telephone: (b) (6), (b) (7)(C)

Fax:

Attachments: Signed Charge Against Employer: CHG (b) (6), (b) (7)(C) SignedChargeAgainstEmployer_Wiz.pdf
Documentary Evidence: DEV (b) (6), (b) (7)(C) AdditionalInfoSupportingCharge.pdf

From: [Fiorianti, Helena A.](#)
To: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: The Boeing Company - Case No. 19-CA-262102
Date: Wednesday, June 24, 2020 3:32:00 PM

(b) (6), (b) (7)(C), (b) (7)(D) :

This will confirm that we have a telephone affidavit scheduled on Wednesday, July 1, 2020, at 1 p.m. If you need to change the date or time of your appointment, please let me know.

Thank you,

Helena A. Fiorianti, Field Attorney
National Labor Relations Board, Region 19
Henry M. Jackson Federal Building
915 2nd Avenue, Suite 2948
Seattle, WA 98174
P (206) 220-6292 | F (206) 220-6305
C (202) 701-6709

[Please note that the NLRB requires electronic filing of documents. See GC Memo 20-01.](#)

Click [here](#) to E-FILE documents, charges, and petitions as a Guest.

Or, Create a Profile by Clicking on the NLRB's [NEW My Account Portal Link](#) to

- Create an account or access your existing E-Filing account
- View your E-Filing History
- E-File documents in a case or inquiry to which you are a party
- Manage the contact information associated with your account

If you require additional assistance with E-filing, please contact: e-filing@nlrb.gov. You may provide the Agency with feedback on your E-Filing experience [here](#).

This communication is intended for the sole use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this communication is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication may be strictly prohibited. If you have received this communication in error, please delete the email and immediately notify the sender. Thank you for your cooperation in this matter.



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Case Assignment / Coding Sheet -- Charge Against Employer

RECEIVED

DATE & TIME:

6/22/2020

11:07

☒ A.M.
☐ P.M.

☐ WALK-IN ☐ MAILED ☒ E-FILED ☐ FAXED

Case Name: Boeing

Case Number: 19 - CA-262102

INQUIRY #: (b) (6), (b) (7)(C)

Dispute location (if known):

Agent & Category: FIORIANTI

3

Everett, WA

YES NO See NOTES

10(j) Potential:

See Purple Sheet:

Include Back Pay Insert:

USPS Info Handout:

USPS Weing. Handout:

(b) (5)

Bargaining Status:

- ☒ - Existing K
- ☐ - None
- ☐ - Organ. Campaign
- ☐ - Seeking Initial K
- ☐ - Seeking Successor K

☒ Catchall ? 8(a)(1)

☒ Coercive Actions (Surveillance, etc)

Coercive Rules

Coercive Statements ☐ Threats ☐ Promises, etc.

☐ Concerted Activities Retaliation

☐ Discharge ☐ Discipline etc.

☐ Denial of Access

Discharge of supervisor (Parker-Robb Chevrolet)

Interrogation (including Polling)

☐ Lawsuits

☐ Weingarten

8(a)(2)

☐ Assistance

☐ Domination

☐ Unlawful Recognition

8(a)(3)

☐ Catchall ?

☒ Changes in Terms and Conditions of Employment

☐ Discharge ☐ Layoff ☐ Refusal to Hire (not salting)

☐ Discipline

☐ Lockout

☐ Refusal to Hire/Consider Applicant (salting only)

☐ Refusal to Reinstate E'ee/Striker (e.g. Laidlaw)

☐ Retaliatory Lawsuit

☐ Shutdown or Relocate ☐ Subcontract Unit Work

☐ Union Security Related Actions

Catchall ?

Changes in Terms and Conditions of Employment

☐ Discharge (including Layoff and Refusal to Hire)

☐ Discipline

☐ Refusal to Reinstate Employee/Striker

☐ Shutdown or Relocate/ Subcontract Unit Work

8(a)(5)

☐ Alter Ego

☐ Failure to Sign Agreement

☐ Refusal to Bargain/Bad Faith Bargaining

☐ surface bargaining ☐ direct dealing

☐ Refusal to Furnish Information

☐ Refusal to Hire Majority

☐ Refusal to Recognize

☐ Repudiation/Modification of Contract Sec 8(d)

☐ Unilateral Changes

☐ Shutdown or Relocate (e.g. First National Maint.)

☐ Subcontract Work

8(e)

☐ All Allegations against a Labor Organization

☐ All Allegations against an Employer



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
NLRB
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June 24, 2020

The Boeing Company
3003 W Casino Road
Everett, WA 98208

Re: The Boeing Company
Case 19-CA-262102

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Helena A. Fiorianti whose telephone number is (206)220-6292. If this Board agent is not available, you may contact Supervisory Field Examiner Janet C. Little whose telephone number is (206)220-6340.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlr.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to

your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



RONALD K. HOOKS
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Jill Antonin, Labor Relations Specialist
The Boeing Company
Mail Code 687-06
535 Garden Avenue N
Renton, WA 98057-5580

Brennan W. Bolt, ESQ.
Perkins Coie LLP
500 N. Akard Street, Suite 3300
Dallas, TX 75201

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

19-CA-262102

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months**? If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305



Download
NLRB
Mobile App

June 24, 2020

(b) (6), (b) (7)(C)

Re: The Boeing Company
Case 19-CA-262102

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on June 22, 2020 has been docketed as case number 19-CA-262102. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Helena A. Fiorianti whose telephone number is (206)220-6292. If this Board agent is not available, you may contact Supervisory Field Examiner Janet C. Little whose telephone number is (206)220-6340.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive, flowing style.

RONALD K. HOOKS
Regional Director

From: [Fiorianti, Helena A.](#)
To: (b) (6), (b) (7)(C), (b) (7)(D)
Cc: (b) (6), (b) (7)(C)
Subject: AFF.19-CA-262102 -Andre Trahan - phone - signed_.pdf
Date: Tuesday, July 28, 2020 11:47:00 AM
Attachments: [AFF.19-CA-262102](#) (b) (6), (b) (7)(C), (b) (7)(D) _phone - signed .pdf

(b) (6), (b) (7)(C), (b) (7)(D)

Attached is a copy of your fully-executed affidavit. Sorry for the delay.

Helena A. Fiorianti, Field Attorney
National Labor Relations Board, Region 19
Henry M. Jackson Federal Building
915 2nd Avenue, Suite 2948
Seattle, WA 98174
P (206) 220-6292 | F (206) 220-6305
C (202) 701-6709

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Click [here](#) to E-FILE documents, charges, and petitions as a Guest.

Or, Create a Profile by Clicking on the NLRB's [NEW My Account Portal Link](#) to

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- View your E-Filing History
- E-File documents in a case or inquiry to which you are a party
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Please consider the environment before printing this email



From: [Fiorianti, Helena A.](#)
To: (b) (6), (b) (7)(C), (b) (7)(D)
Cc: (b) (6), (b) (7)(C), (b) (7)(D)
Subject: (b) phone affidavit
Date: Tuesday, July 7, 2020 8:01:00 PM
Attachments: [AFF.19-CA-262102](#) (b) (6), (b) (7)(C), (b) (7)(D) - phone - .pdf

(b) (6), (b) (7)(C), (b) (7)(D) :

Attached is your statement in the above-captioned matter, rendered to me by telephone, which I have transcribed to the best of my ability as the attached "Confidential Witness Telephone Affidavit."

Please review this affidavit for its accuracy. I request that you please print out the statement, initial any changes that you may make (including cross-outs and additions). Please also initial the bottom of each page of your statement to indicate that you have read that page, and sign and date the last page.

Upon completion of the foregoing, please promptly return your signed affidavit to me. You should return it by using the NLRB's E-Filing feature at www.nlr.gov or by email at Helena.Fiorianti@nlrb.gov. Please also submit any additional supporting documentation which you may have by e-file, if applicable. Instruction on e-filing are set forth below.

If you are not able to sign the document and scan the affidavit for e-filing, please email the document to me at Helena.Fiorianti@nlrb.gov and state in your email:

1. Why you are unable to e-file the affidavit.
2. That you swear or affirm that the contents of the affidavit are true.
3. If the contents of the affidavit are not true, set forth the corrections, in detail, in your email.

Thank you very much for your anticipated cooperation. If you have any questions concerning this letter, please contact me at the phone number below.

Thank you:

Helena

Helena A. Fiorianti, Field Attorney
National Labor Relations Board, Region 19
Henry M. Jackson Federal Building
915 2nd Avenue, Suite 2948
Seattle, WA 98174
P (206) 220-6292 | F (206) 220-6305
C (202) 701-6709

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlrb.gov
Telephone: (206)220-6300
Fax: (206)220-6305

Agent's Direct Dial: (206) 220-6292

July 9, 2020

VIA ELECTRONIC MAIL

Brennan W. Bolt, Esq.
Perkins Coie, LLP
500 N. Akard St, Suite 3300
Dallas, TX 75201

Re: The Boeing Company
Case Nos. 19-CA-262060
19-CA-262102

Dear Mr. Bolt:

I am writing this letter to advise you that it is now necessary for me to take evidence from the Employer regarding the allegations raised in the investigation of the above-captioned matters.

Allegations: (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) have claimed that 2nd shift Horizontal Build Line ("HBL") (b) (6), (b) (7)(C) has caused both employees to be issued move memos, moving them from HBL and the 238 team to other areas in retaliation for their Union activities. Specifically, (b) (6), (b) (7)(C) claims that, in the absence of a shop steward on 2nd shift in HBL, (b) (6), (b) (7)(C) had been assisting (b) (6), (b) (7)(C) co-workers. Thereafter, on or about June 1, 2020, (b) (6), (b) (7)(C) claims (b) (6), (b) (7)(C) notified (b) (6), (b) (7)(C) that the Union would be conducting an election to determine who would become a steward on (b) (6), (b) (7)(C) shift in HBL on (b) (6), (b) (7)(C) 2020. Days later, on (b) (6), (b) (7)(C) 2020, (b) (6), (b) (7)(C) received a move memo transferring (b) (6), (b) (7)(C) to the flight line, and stating that the transfer was effective immediately. When (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) about why (b) (6), (b) (7)(C) was being moved, (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that it was due to layoffs, and that as a (b) (6), (b) (7)(C) could move (b) (6), (b) (7)(C). The following day, however, upon reporting to (b) (6), (b) (7)(C) new work area, (b) (6), (b) (7)(C) claimed to be unaware of why (b) (6), (b) (7)(C) was there. (b) (6), (b) (7)(C) disputes that (b) (6), (b) (7)(C) was moved as a result of layoffs, and claims that (b) (6), (b) (7)(C) was moved in retaliation for (b) (6), (b) (7)(C) Union activities, and so that (b) (6), (b) (7)(C) would no longer be eligible to become a shop steward on 2nd shift in HBL.

A couple of weeks later, on or about (b) (6), (b) (7)(C), 2020, (b) (6), (b) (7)(C) asserts that (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) a question about the number of Union members in the department, (required information for shop steward applications) and that (b) (6), (b) (7)(C) response was to ask (b) (6), (b) (7)(C) if (b) (6), (b) (7)(C) was applying to become a shop steward. Days later on (b) (6), (b) (7)(C), 2020, (b) (6), (b) (7)(C) was issued a move memo, effective (b) (6), (b) (7)(C), 2020, to the MIT team. (b) (6), (b) (7)(C) asserts that (b) (6), (b) (7)(C) asked (b) (6), (b) (7)(C) why (b) (6), (b) (7)(C) was being moved, but (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) wasn't even aware (b) (6), (b) (7)(C) was being moved. When (b) (6), (b) (7)(C) spoke with (b) (6), (b) (7)(C) just told (b) (6), (b) (7)(C) that that it was (b) (6), (b) (7)(C) discretion. Like (b) (6), (b) (7)(C) claims that (b) (6), (b) (7)(C) being moved came as a direct result of

(b) (6), (b) (7)(C) suspecting that (b) (6), (b) (7)(C) was applying to become a shop steward. Both employees claim that there is a pattern of (b) (6), (b) (7)(C) upon learning of an employee applying to become a steward, moves employees out of the area so they can't assume the role.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) as well as any individuals the Employer believes have information relevant to the investigation of the above-captioned matters. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. Copies of employee personnel files for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) including documents reflecting wage increases, performance appraisals and documents reflecting any discipline issued;
2. All documents and/or communications related to the Employer's knowledge (whether actual or perceived) of (b) (6), (b) (7)(C) activities in support of IAM Local Lodge 751 (the "Union"), including communicating with employees about their rights under the collective bargaining agreement and/or attempting to become shop stewards created and/or sent at any time from (b) (6), (b) (7)(C) 2019, through the return date of this letter;
3. Copies of all documents and communications, relied upon in determining to move (b) (6), (b) (7)(C) to the flight line;
4. Copies of all documents and communications relied upon in determining to move (b) (6), (b) (7)(C) to the MIT team;
5. Copies of all documents relating to the move of employees (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) 2020; and
6. Copies of all documents reflecting mechanics being moved from HBL's 2nd shift, initiated by the Employer (as opposed to those moved due to employee request) at any time from (b) (6), (b) (7)(C) 2019, through the return date of this letter.

Date for Submitting Evidence: To resolve these matters as expeditiously as possible, please provide your evidence and position in these matters by Thursday, July 23, 2020. **Electronic filing of position statements and documentary evidence through the Agency website is now required.** To file electronically, go to www.nlr.gov, select **E-File Documents**, enter the **NLRB case numbers**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (206) 220-6292, or e-mail, helena.fiorianti@nrlb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

HELENA A. FIORIANTI
Field Attorney

From: [Fiorianti, Helena A.](#)
To: [Bolt, Brennan \(Perkins Coie\)](#)
Subject: RE: The Boeing Company - Case Nos. 19-CA-262060 and 19-CA-262102
Date: Tuesday, August 4, 2020 8:12:00 PM

Great news! Thank you for the update. In order to process withdrawal requests, we will need to see a copy of the settlement document. Are you able to send me a copy once it's been finalized? Is the settlement conditioned on the charging parties withdrawing their charges?

From: Bolt, Brennan (Perkins Coie) <BBolt@perkinscoie.com>
Sent: Tuesday, August 4, 2020 8:42 AM
To: Fiorianti, Helena A. <Helena.Fiorianti@nlrb.gov>
Subject: RE: The Boeing Company - Case Nos. 19-CA-262060 and 19-CA-262102

Ms. Fiorianti,

I wanted to let you know that we have reached a settlement with the charging parties in this matter and are in the process of memorializing the settlement. Accordingly, I expect that you will receive requests for withdrawal of both charges later this week.

Please let me know if you have any questions or would like to discuss. Thank you.

Brennan Bolt | Perkins Coie LLP

PARTNER
500 N. Akard Street Suite 3300
Dallas, TX 75201
D. +1.214.259.4962
F. +1.214.965.7762
E. BBolt@perkinscoie.com

From: Fiorianti, Helena A. <Helena.Fiorianti@nlrb.gov>
Sent: Thursday, July 16, 2020 12:27 PM
To: Bolt, Brennan (DAL) <BBolt@perkinscoie.com>
Subject: RE: The Boeing Company - Case Nos. 19-CA-262060 and 19-CA-262102

Hi Mr. Bolt:

July 31 works for the Employer's submission of evidence.

Thank you,

Helena

Helena A. Fiorianti, Field Attorney
National Labor Relations Board, Region 19
Henry M. Jackson Federal Building
915 2nd Avenue, Suite 2948

Seattle, WA 98174

P (206) 220-6292 | F (206) 220-6305

C (202) 701-6709

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From: Bolt, Brennan (Perkins Coie) <BBolt@perkinscoie.com>

Sent: Thursday, July 16, 2020 9:21 AM

To: Fiorianti, Helena A. <Helena.Fiorianti@nlrb.gov>

Subject: RE: The Boeing Company - Case Nos. 19-CA-262060 and 19-CA-262102

Ms. Fiorianti,

I hope you are doing well. Because of vacations—mine as well as some at the client—and other challenges due to remote operations, the Employer respectfully requests an extension of up to and including Friday, July 31, to submit its position statement in response to these two charges. Please feel free to give me a call on my cell – 404-425-8179 – if you would like to discuss.

Thank you.

Brennan Bolt | Perkins Coie LLP

PARTNER

500 N. Akard Street Suite 3300

Dallas, TX 75201

D. +1.214.259.4962

F. +1.214.965.7762

E. BBolt@perkinscoie.com

From: Fiorianti, Helena A. <Helena.Fiorianti@nlrb.gov>

Sent: Thursday, July 9, 2020 12:27 PM

To: Bolt, Brennan (DAL) <BBolt@perkinscoie.com>

Subject: The Boeing Company - Case Nos. 19-CA-262060 and 19-CA-262102

Mr. Bolt:

Attached, please find a letter requesting evidence in response to the attached charges filed by

(b) (6), (b) (7)(C)

Should you have any questions, please let me know.

Helena

Helena A. Fiorianti, Field Attorney
National Labor Relations Board, Region 19
Henry M. Jackson Federal Building
915 2nd Avenue, Suite 2948
Seattle, WA 98174
P (206) 220-6292 | F (206) 220-6305
C (202) 701-6709

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From: [Fiorianti, Helena A.](#)
To: [Andre Trahan](#)
Subject: RE: OM_07-27_Non-Board_Settlement.doc[1].pdf
Date: Monday, August 31, 2020 12:31:00 PM
Attachments: [image001.png](#)
Importance: High

Hi Andre –

There's nothing attached to this e-mail. Could you please try sending the agreement again? Also, do you have all of the signatures on (b) (6), (b) (7)(C) yet?

Helena

From: Andre Trahan <AndreT@iam751.org>
Sent: Friday, August 28, 2020 2:38 PM
To: Fiorianti, Helena A. <Helena.Fiorianti@nrlb.gov>
Subject: RE: OM_07-27_Non-Board_Settlement.doc[1].pdf

Hello Helena,

Please find the signed S&R for (b) (6), (b) (7)(C)
I do not have all of the signatures on (b) (6), (b) (7)(C) yet.

Thanks,

Andre G Trahan
IAM751 Business Representative
Desk: (425)267-3202
Cell: (206)930-8569



From: Fiorianti, Helena A. [<mailto:Helena.Fiorianti@nrlb.gov>]
Sent: Tuesday, August 18, 2020 3:57 PM
To: Andre Trahan
Subject: OM_07-27_Non-Board_Settlement.doc[1].pdf

Helena A. Fiorianti, Field Attorney
National Labor Relations Board, Region 19
Henry M. Jackson Federal Building
915 2nd Avenue, Suite 2948
Seattle, WA 98174
P (206) 220-6292 | F (206) 220-6305
C (202) 701-6709

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From: [Fiorianti, Helena A.](#)
To: [Bolt, Brennan \(Perkins Coie\)](#)
Subject: Boeing - 19-CA-262060 & 19-CA-262102
Date: Monday, August 31, 2020 2:35:00 PM
Importance: High

Hi Brennan – I just tried leaving a voicemail on your cell phone and was cut off mid-sentence. I understand from (b) (6), (b) (7)(C) that they've signed the revised non-board settlement agreements. They provided copies of the agreements to the Union. I've sought copies from the Union, and am having difficulty reaching the Union rep.

Could you please get me copies of the signed agreements ASAP?

I can't send the cases up for approval of the withdrawal requests until I have the signed agreements –

Thanks,

Helena A. Fiorianti, Field Attorney
National Labor Relations Board, Region 19
Henry M. Jackson Federal Building
915 2nd Avenue, Suite 2948
Seattle, WA 98174
P (206) 220-6292 | F (206) 220-6305
C (202) 701-6709

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From: [Andre Trahan](#)
To: [Fiorianti, Helena A.](#)
Subject: (b) (6), (b) (7)(C)
Date: Monday, August 31, 2020 7:07:41 PM
Attachments: [image001.png](#)
(b) (6), (b) (7)(C) [S&R 2020-08-31-160154.pdf](#)

Hello Helena,

Attached is the revised and signed S&R for (b) (6), (b) (7)(C)

Thanks,

Andre G Trahan
IAM751 Business Representative
Desk: (425)267-3202
Cell: (206)930-8569



SETTLEMENT AND RELEASE AGREEMENT

This settlement and release Agreement (Agreement) is entered into by The Boeing Company (the Company), International Association of Machinists & Aerospace Workers District 751 (the Union), and (b) (6), (b) (7)(C) (Employee) to resolve any and all issues arising out of or in any way related to (b) (6), (b) (7)(C) employment, including but not limited to (b) (6), (b) (7)(C) movement out of the HBL area on (b) (6), (b) (7)(C) 2020.

1. The Company agrees to return Employee to (b) (6), (b) (7)(C) previously held position in HBL for the express purpose of participating in the HBL Union Steward election. If not elected, (b) (6), (b) (7)(C) will be moved back to the MIT team.
2. As a condition precedent to the Company's obligations described in Paragraph 1 above, the employee understands that (b) (6), (b) (7)(C) is required to request and obtain withdrawal of Unfair Labor Practice charge 19-CA-262102 filed with the National Labor Relations Board.
3. Any change to employment records or any other terms outlined in this Agreement shall not entitle Employee to any additional compensation or benefits. Employee will only receive the compensation and benefits specifically outlined in this Agreement.
4. Employee releases the Company and the Union, including their respective directors, officers, employees, and agents, from any and all claims, demands, charges or other causes of action arising out of any contract; any federal, state, or other governmental constitution, statute, or regulation; the common law; or any other legal right or limitation relating to the employment relationship including, but not limited to, the, the Worker Adjustment and Retraining Notification Act (WARN), Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981, the Americans With Disabilities Act (ADA), the Family and Medical Leave Act (FMLA), the Employee Retirement Income Security Act of 1974 (ERISA); the National Labor Relations Act (NLRA); the Washington Law Against Discrimination, and any claims arising out of the collective bargaining agreement between the Company and the Union.

Nothing in this Agreement shall interfere with Employee's right to participate in any whistleblower activity that is protected under the whistleblower provisions of federal, state, or local laws or regulations or to receive applicable statutory rewards for such whistleblower complaints filed directly with the government. Further, nothing in this Agreement shall interfere with or prohibit Employee's right to cooperate in any investigation of any charge or complaint filed with a federal, state, or local governmental agency, including but not limited to the Equal Employment Opportunity Commission or National Labor Relations Board, including a charge or complaint filed by Employee or by anyone else on behalf of Employee. Subject to the foregoing and unless otherwise prohibited by law or regulation, Employee hereby agrees to waive any right to recover monetary damages, compensation, benefits, or other individual relief as to any charge or complaint filed by Employee or by anyone else on behalf of Employee.

5. This Agreement does not constitute an admission or statement by the Company or the Union of any wrongdoing, fault, liability, or contractual obligation.

6. This Agreement will not hereafter be invoked by Employee, the Union, or the Company as precedent in connection with any other grievance, dispute or legal matter between the parties, except any matter involving Employee or the enforcement of this Agreement. Neither the case resolution, nor the discipline originally imposed in this case, shall be subject to admission as evidence in any future arbitration or other legal proceedings, as except where related directly to this Agreement's enforcement.
7. The Union agrees that it will not publicize, either orally or in writing, in any way or to any person the fact of this Agreement or its terms, with the exception that the Company agrees that the Union may communicate the terms of this Agreement to its Board.
8. This Agreement is severable. In the event any provision of this Agreement is held invalid, all remaining provisions of this Agreement shall continue in full force and effect.
9. This Agreement shall be interpreted under the laws of the state of Washington.
10. The parties agree to bear their own costs and attorneys' fees.

The parties acknowledge that they have been fully advised as to the legal effect of this Agreement and have executed this Agreement freely and voluntarily. Employee acknowledges that he/she has carefully read and fully understands all aspects of this Agreement, and that he/she has not relied upon any representations or statements not set forth herein or made by Boeing's representatives.

**International Association of Machinists
& Aerospace Workers District 751**

(b) (6), (b) (7)(C)

By
(b) (6), (b) (7)(C)

Date 08/31/2020

(b) (6), (b) (7)(C)

By

Date 08/31/2020

The Boeing Company

(b) (6), (b) (7)(C)

By

Date 8/27/2020

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

ORAL WITHDRAWAL REQUEST (ADJUSTED)

In the matter of The Boeing Company, Case No. 19-CA-262102, (b) (6), (b) (7)(C) requested to withdraw (b) (6), (b) charge.

Helena A. Fiorianti
Board Agent

Date: 8/31/2020

Approved:

X /s/ Ronald K. Hooks by jrk
RONALD K. HOOKS, REGIONAL DIRECTOR

Dated: Monday, August 31, 2020



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 19
915 2nd Ave Ste 2948
Seattle, WA 98174-1006

Agency Website: www.nlr.gov
Telephone: (206)220-6300
Fax: (206)220-6305

August 31, 2020

Brennan W. Bolt, ESQ.
Perkins Coie LLP
500 N Akard St Ste 3300
Dallas, TX 75201-3302

Yvonne D. Marx, Labor Relations
The Boeing Company
c/o 1003 E Union St
Arlington, WA 98223-1651

Re: The Boeing Company
Case 19-CA-262102

Dear Mr. Bolt and Ms. Marx:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Ronald K. Hooks

RONALD K. HOOKS
Regional Director

cc:

(b) (6), (b) (7)(C)

The Boeing Company
3003 W Casino Road
Everett, WA 98208

lu